International Municipal Lawyers Association

2016 Mid-Year Seminar

Washington D.C.

Sunday, April 17 2016

Performance Metrics

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Things for Show, Things for Dough, and Things to Know
Performance Measures in a Local Government Lawyer's Office

Introduction

All of us are asked to identify measures of our performance, whether the measures are personal or collective. Over the past several years, local governments have accepted the challenge of measuring performance and routinely identify goals for programs and measures for determining the value of various programs to the community. As with most government agencies, law offices are not immune from the requirements that its programs be measured and results published. Beyond the need to satisfy fiscal authorities of a program's success, or to explain the value of a particular program to the public, measuring effectiveness of an individual's performance or a program's performance enables a manager to coach employees and improve program results.

Performance measures are quantifiable, lend themselves to the establishment of targets by government, and are useful for determining whether a government is "measuring up." Thus, performance measurement may be used by decision makers and citizens to hold government accountable for the use of public funds, and the financial and non-financial results that occur because of such use (GASB, 1994). Governments are accountable for the activities conducted in the public interest, the outcomes governments seek to achieve, and for use of public funds.

In order to support government activities, government staff and managers produce plans and reports to provide performance information that can be used for decision-making, performance monitoring and program management, and reporting. These reports include, but are not limited to:

- strategic plans;
- budgets, and budget summaries for proposed and approved budgets;
- monthly and quarterly reporting to provide status updates on government unit performance;
- service effort and accomplishment reports (SEA reports) and other reports that compile performance information;
- evaluations and audits, which report on specific government processes, programs, and activities; and
- financial reports, such as annual reports, comprehensive annual financial reports, and "Popular Reports," which are summaries of government finances and activities (Hennessy & Daroca, 1993).

Local governments establish performance measurement systems for a variety of reasons. Such systems are almost universally intended to support government activities and achievement of results by developing procedures for the collection, analysis, and presentation of performance-related information. Paul Epstein (1988) developed an analytic model that focused on functions or activities that are supported by performance measurement information, including decision-

making, program monitoring and management, and reporting for accountability. All government functions in which performance measures are used can be classified as falling under one or more of these three general uses.

Accountability requires that information be made available to elected and appointed officials inside government, which Epstein called internal accountability (1988). Certain activities are clear indications of internal accountability in practice, such as a personnel evaluation system that involves establishing performance level targets in performance plans, with a requirement to review actual levels of performance against targets, or a budget plan that incorporates levels of performance to be achieved as a condition of funding.

External accountability involves communication with citizens, clients, investors, and other stakeholders outside the formal government structure who may have an interest in government activities (Epstein, 1988). It is difficult to identify examples of direct action that stakeholders might take to hold the government accountable. Actions are usually indirect, such as taxpayers voting against a bond referendum as a sign of discontent, or voting an incumbent elected official out of office. Individual citizens may call their elected officials to complain about a failure of the government, or may testify at a public hearing to express concerns about the government's performance, or lack thereof. The corrective action that normally occurs, such as an elected official calling a government manager to task, is an exercise in internal, not external accountability. Although citizens are often shown at the top of local government organization charts, this is a philosophical statement, as opposed to a functional statement.

Because the public lacks a direct mechanism for holding the government accountable, the literature on performance measurement (and financial reporting) tends to assume that if the reports are publicly available with information on government financial or non-financial performance, then the government is being accountable. Regardless of how many or how few people actually use such reports, the availability of such information is fundamental to the concept of government accountability. As Epstein indicated, "Communication is the link between performance and accountability" (1988, p. 129).

Performance measurement use in local government can be assessed by examining how information is utilized to support decision-making, to monitor performance, and to communicate information about local government performance (Bernstein, 2000). For the sake of a catchy title, we describe these three types of measures based upon their use.

Things for show: Measures can justify a program and draw public attention to, and build public confidence in, performance. Performance reports can be used both within the local government--internal accountability, and externally to the public--external accountability (Epstein, 1988) to inform information users about public use of funds, and the results being achieved with those funds.

Things for dough: Measures can signal the importance of an activity to the organization or help to establish its value when competing for financing. Thus, performance measures

can be used to provide factual information to support policy and resource allocation processes, and encourage government managers and elected officials to use factual data to support sound public decision-making.

Things to know: Measures of performance can be helpful to the internal management of a law office. Though some of these measures might be difficult to present publicly, or too detailed to capture the interest of government managers and elected officials, such measures may involve objective tests of value, and would help program managers stay informed about their areas of responsibility. In particular, many rich and useful examples exist regarding use of performance measures to monitor programs and support day-to-day program management (Bernstein, 2001).

Often these three types of measures interrelate and overlap. They are fluid. A measurement for internal management purposes may become a measurement for budgeting or for public dissemination. No doubt fertile minds can imagine many more types of measures than will appear here. What follows is a general discussion of the use of performance measures in Montgomery County, Maryland, and a discussion of those measures that have proven particularly helpful in advancing the programs of the Montgomery County Office of the County Attorney.

Background

Montgomery County, Maryland is located adjacent to Washington, DC, and includes 497 square miles of land area. The County Charter provides for separate legislative and executive branches of government, with a nine member County Council (four elected at large, five elected from specific council districts), and an elected County Executive. The County operates with a full-service County government, providing a majority of the local government services for the 873,000 County resident (2000 Census). The County has an approved FY01 Operating Budget of $2.4 billion, which includes support for the County Government, the Montgomery County Public Schools and Montgomery College, the Maryland-National Capital Park and Planning Commission, and other county and bi-county agencies (with adjacent Prince George's County).

As in other jurisdictions, use of performance measures has a long and varied history within the County. From the early 1980s until Fiscal Year 2000, the County Executive's Recommended Operating Budget and Public Services Program included measures focused on government activities, including measures of inputs (resources), workload (demand for services), and outputs (services produced) to demonstrate the need for budgeted resources. As have other local governments, Montgomery County's use of performance measures in the late 1990s evolved from a focus on inputs, processes, and outputs to a focus on missions, goals, objectives, and outcomes to be achieved.

Beginning in 1998, the Montgomery County Executive Branch, including the Office of the County Attorney, with cooperation from the Legislative and Judicial Branches, began a comprehensive attempt to "clearly define the results we are seeking to achieve with taxpayer dollars and then to measure our progress" (Montgomery County Office of Management and

Budget, 2001). *Montgomery Measures Up!* represents a fundamental change in the way the county approaches its resource allocation choices by focusing on the impact of funding changes. *Montgomery Measures Up!* provides information not only on inputs and outputs, but also on measures of efficiency (outputs per unit of input), service quality (customer satisfaction, accuracy, timeliness), program outcomes (the direct result of a program or program element on clients), and community outcomes (broadly states effects on the community as a whole). As such, the initiative represents an effort to present a "family of measures" to provide information about County programs and services (Montgomery County Office of Management and Budget, 2000). In FY01, measurement information on 106 programs managed by 32 different County departments was prepared and reported. For additional information, see the World Wide Web at www.co.mo.md.us/government/omb.

In addition to the measures that form the structure for *Montgomery Measures Up!* most agencies have developed other measures or reporting mechanisms tailored to suit their management or program needs. This is particularly true for the Montgomery County Office of the County Attorney.

Things For Show

The Office of County Attorney recognized in 1995 the importance of producing information about our workload and our performance and providing that information to client agencies and fiscal authorities. From a report that merely described our pending cases and the activity that had occurred during the past month,[1] we have evolved our reporting to include a number of quantitative and qualitative measures against past performance. None of these measures, however, assess our performance against other external benchmarks, although the report does include some historical measures that can be used as benchmarks against which current performance can be compared. This report includes some of the other measures that will be described later. It acts as a method of conveying information about what we do to the Executive, the Department Heads, and to the Legislative Body. By providing this information, we are able to accomplish a number of goals. We establish a method by which our clients can be kept reasonably informed of what we are doing on their behalf. By sharing the information, we open lines of communication to correct misperceptions or misunderstandings. The breadth and quantity of our workload helps all agencies understand that we are busy and performing valuable services. The monthly updates show movement, letting our clients know that we are not just sitting on cases or matters. The report also allows us to share many of the other measures we use to monitor trends and make adjustments when appropriate.

As part of *Montgomery Measures Up!* we identify program goals for our Debt Collection service[2]. These goals and measures attempt to measure the amount of money collected as well as

1 We produce a monthly report of activity. This report includes a description of each case in litigation, its status and highlights the actions that have been taken since the last report. While some important code enforcement cases are included, the bulk of our code enforcement cases are not described or highlighted. We have included an example of a part of the report in the Appendix, pp. 1, 2.

2 An example of this report is included in the Appendix, p. 3.

information to convey the efficiency of collection operations. The report reflects our efforts to increase the amount of collection, the efficiency of collection, and will reflect our effort to increase the speed of collection. These are all important measures for us, but do not compare our results with the successes of others. Similarly, these measures do not quantify the percentage of collections against the amount outstanding. Ultimately, these measures will need to be included to better monitor our program. In addition to what we report for *Montgomery Measures Up!*, we monitor and internally report our cost to recovery ratio, in order to keep County fiscal authorities informed about the efficiency of our efforts. Prior to developing our program, the County contracted for collections at a rate of 32.7 percent, meaning that the cost to collect outstanding debt was almost one-third of the amount collected. We felt we could do better and set out to achieve a program goal of 15 percent. Accordingly, we monitor our collections and our costs of collection as both a management tool and for fiscal accountability.[3] Clearly, debt collection lends itself well to establishing and defining measures of all types. Other areas of our practice also provide easily identifiable targets.

Like any good law office, we want to know whether we are winning our cases and tout the fact that we have a great winning percentage. To achieve this goal, we report on our success in our monthly report.[4] Litigation and appellate work[5] provide easily analyzed results. We provide information on the disposition of all self-insurance cases referred to our office. Wins are wins and losses are not. Obviously, we try to attain a goal of more wins than losses. For management purposes, our internal goals are far more specific and attempt to get behind the simple concepts of winning and losing. These measures are not "for show," but help provide important management information.

Things For Dough

One of the most difficult jobs of a government lawyer is to explain to funding authorities why more lawyers are just as necessary or more important than additional police officers, more firefighters, or more teachers. Interest groups do not generally appear before a council to argue in favor of the city or county attorney's budget. Normally, public employee unions do not seek out council members to promote and lobby for an increase in the city or county attorney's budget. Often, a city or county attorney's budget, as well as other "support" activities such as finance, procurement, budget, and information systems technology, are lost in the annual budgetary fracas, or worse, are targeted for reduction against the more immediate and visible demands for public services. To counteract this natural tendency, a city or county attorney must develop methods to show results that are meaningful in a fiscal context. Some measures fall neatly within the description of an *output or outcome*, while others reflect important information related to past and future workloads *(demands)* and costs *(inputs)*.

While used "for show," measures showing the numbers of notices of claims filed, numbers of code enforcement matters and other quantity measures also can be used to support

3 Our most recent report of our cost of collection ratio is included in the Appendix at pp. 4, 5.
4 An example of this performance measure is also included in the Appendix at p. 6.
5 See the Appendix at p. 7.

funding. Measuring quantity is a simplified device that can reflect trends. Coupled with information that shows proportionality with activities of the government, this information can be used to project and justify increased costs associated with the expansion or addition of services. For example, identifying the number of police excessive force claims, workers compensation claims, or police cruiser collisions per police officer allows a law office to lobby the fiscal authorities to include these "overhead" costs in the funding of additional police officers. If properly documented and displayed, this information changes the rules of competition from 'law office funding vs. more police officers" to "more police officers equals greater law office funding". Simply stated, each additional police officer has a cost – salary, benefits, the cost of the gun, the car and the overhead costs for legal services. If those costs are recognized as a valid part of the "overhead" for each officer, the cost should not only be acceptable, but quantified and justified in the budget.[6] In addition, this information can then be used to properly benchmark the cost of the service against those costs in other communities, e.g., the cost of having 100 officers on duty 7 days a week; the cost of responding to each traffic accident; the cost of issuing each traffic ticket.

One of the more useful tools in the law office involves comparing matters handled. For example, in litigation the number of active cases carried by each attorney is a measure that allows a supervisor to weigh relative caseloads within the office, to benchmark against other offices, and to justify increased resource requests when those benchmarks demonstrate the need for increased resources. Numbers alone often do not paint the real picture. One lawyer might carry 50 cases while another handles 12; yet the one with 12 may be busier and suffering a more difficult workload if the 12 are all complicated civil rights cases and the 50 are routine property damage subrogation cases. Accordingly, the supervisors must develop methods to weigh the workload of each case and measure the weighted load in order to effectively manage. Litigator caseloads can be measured internally and externally. While external measures can prove useful, without weighting, the comparisons are not complete and might lead to improper conclusions.

Although potentially expensive, surveys by companies like Altman Weil are especially useful. Altman Weil can provide reports that show comparative salaries by practice area, by size of practice, by region and by years of practice; the staffing per lawyer for different substantive areas of the law, so that you can evaluate the norms for numbers of support staff per lawyer by category, i.e. paralegal, secretary, etc. The company sells its survey information and you can access some free information or buy a specific survey at www.altmanweil.com.

Things To Know

Having certain information can help manage individuals, programs or budgets, but is not information that is appropriately distributed publicly. Often times the number of measures that a program manager must monitor are far too detailed or numerous to be relevant to decision-makers, elected officials, or the public. In discussing "things for show," we discussed measures for evaluating litigation and appeals that were not for "show." Most self-insured organizations,

6 An example of the effect on a law office of adding employees is included in the Appendix at pp. 8-10.

particularly governments, need to be concerned about their settlement policies. Judges are unhappy if cases that should be settled go to trial and fiscal authorities ought to be concerned if settlements are too easily made. How do you find and measure the balance? In addition to measuring a won/lost record, an office can compare how many cases it settles against private insurers, other public law offices or private practice firms. Internally, a manager will want to know how the result after trial compares to the "last offer" and "last demand." We are happy to win, but consider our wins extraordinary when we get a defense verdict when we made an offer of settlement that was rejected. We report a case as a loss if there is a Plaintiff's verdict, but internally consider it a win if the verdict is below their last demand and a better win if below our last offer. More importantly, this information allows us to evaluate our settlement policies.[7]

We should win most of our appeals, so we have begun to measure our effectiveness by comparing the court's decision against our brief and that of our opponent.[8] We want to know if the court has relied on our arguments, our issues, our cases or those of our opponent. As part of the post mortem exercise, we can better determine how to improve our handling of an appeal if we understand what worked and what did not. Our goal is to have the court render decisions that only cite cases we cited and that adopt our analytical reasoning. Information debriefings such as these that consider qualitative measures of performance are an important management tool.

Perhaps, one of the most effective tools we use to measure performance is a tool that measures individual performance. Since 1995, we have provided our clients with an opportunity to give us feedback on services. This outreach effort was designed to overcome some negative attitudes about accessibility and responsiveness of the lawyers. Our results have been outstanding. Of hundreds of forms that have been returned, only a few have been negative, with a positive to negative ratio of approximately 200 to 1.[9] Some have offered helpful suggestions; most simply extol the "Excellent" services that the evaluator has received. As a measurement tool, the form provides helpful information; as a statement of our interest in doing a good job, the form is highly effective. When considered on a case-by-case basis, the information is critical to the legal office manager's ability to monitor and help improve the performance of individual staff. When considered collectively, positive performance is a critical performance measure for the office, and should legitimately be used to demonstrate office-wide performance to internal and external clients, including the public.

Conclusion

Performance measures can be critical to understanding and improving law office performance (things to know), using information to support decision-making, planning, and to justify resource requests (things for dough), and to inform the public and decision-makers about a local law office's activities, service demands, and performance (things for show). While the activities of law offices do not always receive the highest visibility in considering local government performance, identifying missions, goals, and performance objectives can support

7 This type of report is included in the Appendix at pp. 11, 12.
8 This type of report is included in the Appendix at pp. 13-19.
9 This form is included in the Appendix at pp. 20, 21.

legal operations, and should be an integral part of professional public law office operations.

In the Appendix, we have included a number of the measures that we use.[10] Frankly, this is a work in progress, as we believe that there are many more measures that can and should be implemented. IMLA can perform an important function by developing a database of performance measures and maintaining information submitted by member jurisdictions for evaluation and comparison.

10 Some are in addition to the forms specifically mentioned in this paper, Appendix at pp. 22-27.

Appendix

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issued by District Court; hearing postponed to allow defendant to complete petition for variance from Board of Appeals. (FMJ) (CE)

Montgomery County v. Buonassisi, DCMC, Citation Nos. 4Z33471246 and 5Z33471247. Contempt filed for parking commercial vehicles and oversized vehicles in residential area. **Contempt hearing to be rescheduled by District Court after defendant's failure to appear; settlement discussions ongoing.** (FMJ) (CE)

Montgomery County v. Franco, DCMC, Citation No. 1Z33258233. Contempt filed for parking oversized vehicles in residential area. Show cause order scheduling contempt hearing issued by District Court. (FMJ) (CE)

Montgomery County v. Sky, CCMC, Civil No. 208188, WMS 00-851. Contempt filed for failure to abide by consent order limiting number of paying guests. (FMJ) (CE)

Montgomery County v. Vidal, DCMC, Citation Nos. 5Z33234794, 6Z33234795, 0Z33234796, 1Z33234797, 2Z332347898. Citations for failure to obtain sediment control permit before clearing more than 5,000 square feet of tree cover. After defendant avoided service, motion for alternative service by regular U.S. mail granted by District Court. Hearing on citations to be scheduled by District Court. (FMJ) (CE)

Police

Brock v. Montgomery County, CCMC, Civil No. 214148, WMS 00-2848. Plaintiff alleges personal injuries in May 11, 2000 motor vehicle accident. County police officer was responding with lights and sirens activated. Answer, interrogatories, and request for production of documents filed. Ad damnum $500,000. (CLF) (SIF)

Bruette v. Montgomery County, et al., USDC, Civil No. JFM00CV2324, WMS 00-554. Plaintiffs sue Montgomery County, two detectives, Douglas Duncan, MCPD and State's Attorney based on arrest in August 1999 for child pornography and related crimes, alleging federal and state constitutional claims, false arrest and imprisonment, malicious prosecution, abuse of process, assault, battery, tortious interference with business relationships, intentional infliction of emotional distress, negligence and conversion seeking $1,000,000 in compensatory and $7,000,000 in punitive damages. Plaintiffs seeking declaratory relief that they are not guilty of the crimes charged and seek return of their property. Discovery served. (PPV/CLF) (SIF)

Burke v. Russo, DCMC, Case No. 060100266832000, WMS 00-4073. Traffic accident on Georgia Avenue in Silver Spring on October 21, 1997. Trial April 25, 2001. Ad damnum $25,000. (PL) (SIF)

Davis v. Magee, CSA No.328, CCMC, Civil No. 183777, WMS 97.05150. Plaintiff arrested on third degree sexual offense sues Montgomery County, Chief of Police, County Executive and officer for wrongful arrest and imprisonment, negligence, sexual and racial discrimination

and malicious prosecution. All defendants dismissed except police officer. Ad damnum $50,000 compensatory and $400,000 punitive damages. Court granted summary judgment and entered judgment in favor of defendant. Briefs filed and oral argument held December 2, 1999. Appellant filed petition for writ of certiorari to Court of Appeals, which court denied. Awaiting CSA decision. (BK) (SIF)

Davis v. Cunningham, et al., USDC Civil No. PJM00734, WMS 00-742. Plaintiff apprehended by both Gaithersburg police and MCPD police officers after high speed chase following car-jacking. Alleges violation of civil rights, assault and battery, state constitutional claims and emotional distress claims. Suit originally filed in Circuit Court. Motion for removal to federal court granted. Defendants' motion to dismiss filed. Hearing October 30, 2000. Discovery complete. All state law claims dismissed. Federal claims remain. Motion for summary judgment filed on remaining claims. **Hearing April 2, 2001.** (PFL/PPV) (SIF)

DeVentura, et al., v. Officer Keith, et al., CCMC, Civil No. 203806, WMS 97.08146. Plaintiffs sue two named Montgomery County police officers, six unnamed officers, Montgomery County and former Police Chief Carol Mehrling for civil rights violations and state tort claims of assault, battery, false arrest, false imprisonment, malicious prosecution and intentional infliction of emotional distress arising out of arrests on October 11, 1998. Plaintiffs seek over $3.5 million in compensatory and $400,000 in punitive damages. Case removed to federal court. Partial motion to dismiss filed and granted. Discovery ongoing. (PPV) (SIF)

Deyerberg v. Montgomery County Police Department, CCMC, Civil No. 215265, WMS 00-4646. Suit against police department and individual detective for alleged negligent failure to properly investigate plaintiff's criminal complaints. Motion to dismiss filed by defendant for failure to state a claim. Ad damnum $200,000. **Defendant's motion to dismiss granted.** (PFL) (SIF)

FOP v. Moose, CSA No. 398, CCMC, Civil No. 206922, WMS 00-724. Declaratory judgment action challenging composition of hearing board for review of officer's suspension. Court entered judgment in favor of County and FOP appealed. Oral argument December 1, 2000. CSA vacated and remanded case for complete declaration of parties' rights. Circuit Court will re-hear case on April 5, 2001. (MF/KLFH) (NSF)

Gartner-Surette v. Montgomery County, CCMC, Civil No. 204516, WMS 97.08701. Defamation, invasion of privacy and other claims arising out of alleged release of confidential police records published by co-defendant Beall. Answer filed. Ad damnum $3 million. Discovery initiated. Co-defendant Beall dismissed due to bankruptcy. New scheduling order issued. Discovery ongoing. (PFL) (SIF)

Gold v. Bontouri, et al., CCMC, Civil Nos 208073 and 212960, WMS 97.08257. Plaintiff alleges police officers used excessive force to remove plaintiff from hospital. Plaintiff sues for assault, battery, and negligence against both officers and County. Ad damnum $250,000 in compensatory damages and $250,000 in punitive damages. **Court consolidated Civil Nos.**

PROGRAM MEASURES

PROGRAM: Special Projects

PROGRAM ELEMENT: Debt Collection

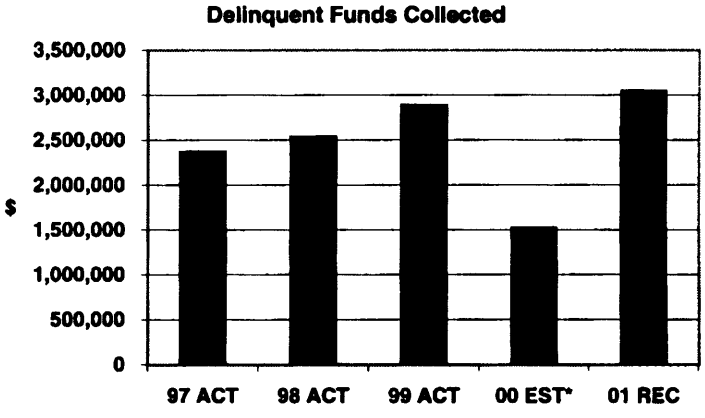
PROGRAM MISSION:
To provide timely and efficient collection of delinquent monies owed to Montgomery County

COMMUNITY OUTCOMES SUPPORTED:
- Provide high value for tax dollars
- Ensure respect for the law
- Ensure accountability

PROGRAM MEASURES	97 ACT	98 ACT	99 ACT	00 EST*	01 REC
Outcomes/Results:					
Amount of delinquent funds collected ($000)	2,366	2,534	2,886	1,524	3,047
Service Quality:					
Average time to close a case	NA	NA	NA	NA	TBD
Percentage of cases closed	NA	NA	NA	NA	TBD
Efficiency:					
Cost per closed case ($)	30.12	365.00	71.99	46.47	46.47
Outputs:					
Total cases opened	13,640	7,420	5,815	2,396	4,792
Total cases closed	3,097	488	4,236	3,482	6,964
Inputs:					
Expenditures ($)	93,274	178,239	304,977	161,820	323,640
Workyears	3	5	7	8	9

Notes:
*Figures through December, 1999.

EXPLANATION:
The high cost of closing a case and the low number of cases closed in FY98 were the result of several circumstances. When the Department took over responsibility for collecting unpaid property taxes in FY97, initially there were a large number of cases that were closed because the Statute of Limitations had run out, making collection impossible. The Department concentrated on collecting the larger dollar collectable cases at first in order to be most efficient in its operations. In addition, cases of this nature inherently take considerable time to process through the legal system and obtain a result.



PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: Montgomery County Treasury Department, Maryland State Department of Assessments and Taxation.

MAJOR RELATED PLANS AND GUIDELINES: Maryland Tax Code, Montgomery County Tax Policies.

DEBT COLLECTION REPORT

FY01

Revised 4/10/01

MONTH	CASE TYPE	CASES OPENED	CASES CLOSED	AMOUNT OWED	AMOUNT COLLECTED	COSTS		NET OF COSTS
January	Bad Check	223	166	$59,462.18	$188,852.32	Personnel	$31,973.00	
	False Alarm	9	52	$5,750.00	$13,230.00	Supplies	$0.00	
	Pers. Prop. Tax	0	399	$0.00	$580,900.80	Printing	$440.00	
	Rabies	0	0	$0.00	$25.00	Postage	$1,288.00	
	Code collection	35	7	$25,870.00	$2,487.78	Educ/Training	$0.00	
	Bankruptcy	0	3	$0.00	$0.00	Travel	$0.00	
	Miscellaneous	0	4	$0.00	$1,628.51	Misc.	$65.00	
	Sub Total:	**267**	**631**	**$91,082.18**	**$787,124.41**		**$33,766.00**	**$753,358.41**
February	Bad Check	83	106	$9,710.01	$40,918.29	Personnel	$31,247.00	
	False Alarm	24	23	$2,775.00	$6,770.00	Supplies	$114.00	
	Pers. Prop. Tax	2	371	$198,760.90	$465,848.18	Printing	$123.00	
	Rabies	0	1	$0.00	$968.00	Postage	$1,471.00	
	Code collection	77	11	$26,990.00	$1,535.00	Educ/Training	$0.00	
	Bankruptcy	0	3	$0.00	$0.00	Temp.Clerical	$0.00	
	Miscellaneous	5	7	$9,466.64	$3,571.36	Misc.	$148.00	
	Sub Total:	**191**	**522**	**$247,702.55**	**$519,610.83**		**$33,103.00**	**$486,507.83**
March	Bad Check	189	113	$40,518.46	$51,792.18	Personnel	$32,874.00	
	False Alarm	15	24	$3,300.00	$2,400.00	Supplies	$205.00	
	Pers. Prop. Tax	14	355	$55,883.18	$1,523,889.54	Printing	$0.00	
	Rabies	0	0	$0.00	$0.00	Postage	$667.00	
	Code collection	28	13	$14,955.00	$4,860.00	Educ/Training	$0.00	
	Bankruptcy	0	4	$0.00	$0.00	Temp.Clerical	$0.00	
	Miscellaneous	7	4	$26,807.16	$1,550.66	Misc.	$422.00	
	Sub Total:	**253**	**513**	**$141,463.80**	**$1,584,492.38**		**$34,168.00**	**$1,550,324.38**
April	Bad Check					Personnel		
	False Alarm					Supplies		
	Pers. Prop. Tax					Printing		
	Rabies					Postage		
	Code collection					Educ/Training		
	Bankruptcy					Temp.Clerical		
	Miscellaneous					Misc.		
	Sub Total:	**0**	**0**	**$0.00**	**$0.00**		**$0.00**	**$0.00**
May	Bad Check					Personnel		
	False Alarm					Supplies		
	Pers. Prop. Tax					Printing		
	Rabies					Postage		
	Code collection					Educ/Training		
	Bankruptcy					Temp.Clerical		
	Miscellaneous					Misc.		
	Sub Total:	**0**	**0**	**$0.00**	**$0.00**		**$0.00**	**$0.00**
June	Bad Check					Personnel		
	False Alarm					Supplies		
	Pers. Prop. Tax					Printing		
	Rabies					Postage		
	Code collection					Educ/Training		
	Bankruptcy					Temp.Clerical		
	Miscellaneous					Misc.		
	Sub Total:	**0**	**0**	**$0.00**	**$0.00**		**$0.00**	**$0.00**
	* Reflects yr-end adjust.	**compensation adj.						
		CASES OPENED	**CASES CLOSED**	**AMOUNT OWED**	**AMOUNT COLLECTED**	**COSTS**		**NET OF COSTS**
	Year to Date Total:	**2,398**	**4,368**	**$1,279,128.61**	**$6,319,613.33**		**$284,062.00**	**$6,035,551.33**

**This amount includes a one time retroactive compensation adjustment

DEBT COLLECTION REPORT

FY01

Revised 4/10/01

MONTH	CASE TYPE	CASES OPENED	CASES CLOSED	AMOUNT OWED	AMOUNT COLLECTED	COSTS		NET OF COSTS
July	Bad Check	153	115	$187,446.27	$22,703.56	Personnel	$8,187.00	
	False Alarm	25	2	$3,250.00	$150.00	Supplies	$0.00	
	Pers. Prop. Tax	0	372	$0.00	$180,601.89	Printing	$0.00	
	Rabies	0	0	$0.00	$0.00	Postage	$1,283.00	
	Code collection	59	21	$26,995.00	$1,460.75	Educ/Training	$0.00	
	Bankruptcy	0	2	$0.00	$28,209.56	Temp.Clerical	$1,023.00	*
	Miscellaneous	10	3	$16,834.63	$424.69			
	Sub Total:	**247**	**515**	**$234,525.90**	**$233,550.45**		**$10,493.00**	**$223,057.45**
August	Bad Check	193	75	$66,106.67	$30,531.78	Personnel	25,576.00	
	False Alarm	26	23	$9,770.00	$150.00	Supplies	251.00	
	Pers. Prop. Tax	0	124	$0.00	$183,086.59	Printing	0.00	
	Rabies	1	0	$1,120.20	$20.00	Postage	1,129.00	
	Code collection	94	22	$45,865.00	$1,893.27	Educ/Training	0.00	
	Bankruptcy	0	4	$0.00	$2,591.24	Temp.Clerical	0.00	
	Miscellaneous	4	5	$2,154.40	$2,861.37			
	Sub Total:	**318**	**253**	**$125,016.27**	**$221,134.25**		**$26,956.00**	**$194,178.25**
September	Bad Check	64	71	$8,633.03	$25,274.68	Personnel	$26,568.00	
	False Alarm	34	10	$2,770.00	$3,125.00	Supplies	$381.00	
	Pers. Prop. Tax	0	272	$0.00	$316,137.05	Printing	$0.00	
	Rabies	0	0	$0.00	$0.00	Postage	$589.00	
	Code collection	15	8	$7,570.00	$588.00	Educ/Training	$0.00	
	Bankruptcy	0	1	$0.00	$0.00	Temp.Clerical	$151.00	
	Miscellaneous	5	12	$5,064.04	$2,914.42			
	Sub Total:	**118**	**374**	**$24,037.07**	**$348,039.15**		**$27,689.00**	**$320,350.15**
October	Bad Check	601	62	$256,381.04	$64,797.02	Personnel	$27,964.00	
	False Alarm	54	13	$28,255.00	$1,178.00	Supplies	$28.00	
	Pers. Prop. Tax	0	345	$0.00	$529,278.58	Printing	$210.00	
	Rabies	0	0	$0.00	$0.00	Postage	$712.00	
	Code collection	28	7	$10,385.00	$2,371.24	Educ/Training	$139.00	
	Bankruptcy	0	1	$0.00	$501.32	Temp.Clerical	$1,542.00	
	Miscellaneous	13	2	$42,824.14	$3,291.20			
	Sub Total:	**696**	**430**	**$337,845.18**	**$601,417.36**		**$30,595.00**	**$570,822.36**
November	Bad Check	0	114	$0.00	$78,796.68	Personnel	$29,548.00	
	False Alarm	59	60	$7,580.00	$12,342.81	Supplies	$75.00	
	Pers. Prop. Tax	0	341	$0.00	$1,244,977.65	Printing	$0.00	
	Rabies	0	0	$0.00	$60.00	Postage	$1,788.00	
	Code collection	44	4	$21,430.00	$2,173.46	Educ/Training	$0.00	
	Bankruptcy	0	4	$0.00	$19,740.62	Temp.Clerical	$246.00	
	Miscellaneous	10	1	$7,417.99	$3,687.39			
	Sub Total:	**113**	**524**	**$36,427.99**	**$1,361,778.61**		**$31,657.00**	**$1,330,121.61**
December	Bad Check	152	216	$26,991.04	$122,814.91	Personnel**	$53,939.00	
	False Alarm	25	16	$4,400.00	$2,070.00	Supplies	$455.00	
	Pers. Prop. Tax	0	364	$0.00	$447,381.35	Printing	$0.00	
	Rabies	0	0	$0.00	$0.00	Postage	$966.00	
	Code collection	14	5	$8,770.00	$1,075.89	Educ/Training	$0.00	
	Bankruptcy	0	4		$87,852.14	Temp.Clerical	$270.00	
	Miscellaneous	4	1	$866.63	$1,271.60	Misc.	$5.00	
	Sub Total:	**195**	**606**	**$41,027.67**	**$662,465.89**		**$55,635.00**	**$606,830.89**

**This amount includes a one time retroactive compensation adjustment

April 3, 2001

County Attorney's Monthly Report

Montgomery County, Maryland

LITIGATION DIVISION

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

LITIGATION DIVISION CASE CLOSEOUT REPORT FOR JULY 1, 1998 THROUGH MARCH 26, 2001

The following summarizes the disposition of 393 liability cases that were closed by the Litigation Division from July 1, 1998 through March 26, 2001

Disposition	Number of Cases (FY 2001)	Number of Cases (Cumulative)	% of Total Cases (Cumulative)
Voluntary Dismissal	**1**	**41**	**11%**
Resolution by Motion	32	**160**	**41%**
(Motion to Dismiss)	20	97	(25%)
(Motion for Summary Judgment)	12	63	(16%)
Defense Verdict/Judgment	**4**	**43**	**11%**
Plaintiff Verdict/Judgment	**2**	**9**	**2%**
Settled	**27**	**140**	**35%**
Total	**66**	**393**	**100%**

12. APPEALS

The following table reflects the wins and losses so far during the current fiscal year, along with the new appeals and closed appeals. For comparison, the same categories are included for the completed FY00.

	FY01	FY00
New	23	20
Closed	15	33

	FY01	FY00
Wins	11	18
Losses	2	3

GENERAL COUNSEL DIVISION

1. CONTRACTS/PROCUREMENT

See Appendix A.

2. LAND USE CASES

In addition the following Circuit Court cases have been filed, which are either advanced takings or condemnation cases for road projects:

a. Pending filed Condemnations

Owner	CIP Project	Date Filed	Status
John M. Ratino 00-4067	509950 Sweetbriar	12/19/00	complaint filed
Nancy C. Long 00-2126	509637 Glen Echo Storm Drain	08/03/00	

Worker's Comp

- Police employees in 1997 = 1336
- Police employees in 2001 = 1521.3
- Police comp factor .307 * 185.3 = 57

Worker's Comp

- BOE employees 1997 14,704
- BOE employees 2001 17,867
- BOE factor .089
- Estimated increase 282 cases

Auto liability

- Police patrol factor .172
- Police factor .092
- BOE factor .0164
- Transit factor .60
- Estimated total 103 new cases in past four years
- This year's increase estimated 40 cases

Case Name	Type	Attorney	Case Resolved By	Agency	Last Demand	Last Offer	Result
Shaller v. HOC, et al.	Civil Rights	Collins	Dismissal	HOC	$0	$0	Plaintiff's case was dismissed.
Potomac Electric Power Co. v. BOE	Property Damage	Collins	Dismissal	BOE	N/A	$0	Plaintiff voluntarily dismissed.
Walker v. Ku, et al.	Motor Vehicle	Collins	Settlement	DPWT - Ride On	$18,000	$4,000	Case settled for $5,000. (Co-Defendant paid $5,000 as well).
Ballou v. BOE	Neglig (Hiring & Retent.)	Frederick	Summary Judgment	BOE	$24,000	$0	Motion for Summary Judgment granted.
Buckman v. MC, Md.	Civil Rights/ Employ-ment / ADA	Frederick	Dismissal	OHR	$3,000,000	$0	Motion for Sanctions for failure to obey a court order was granted.
Floyd v. MC, Md.	Motor Vehicle/ Neglig	Frederick	Motion to Dismiss	DPWT - Ride On	$10,000	$0	Motion to Dismiss granted.
Parker v. Mc, Md.	Premises	Frederick	Motion for Summary Judgment	DPWT	$100,000	$0	Motion for Summary Judgment granted.
Roberto v. MC, Md.	Civil Rights	Frederick	Motion to Dismiss	MCPD & City of Rockville	$18,000,000	$0	Motion to Dismiss granted.
Adams v. Jones	Motor Vehicle	Joseph	Settlement	M-NCPPC	$9,000	$6,500	Matter settled for $7,000.

Case Name	Type	Attorney	Case Resolved By	Agency	Last Demand	Last Offer	Result
Davis (Carla) v. MC, Md.	Civil Rights	Leonard	Motion to Dismiss	Correction & Rehab	N/A	N/A	Motion to Dismiss granted. (Plaintiff failed to file a claim with the HRC.)
Ortiz v. MC, Md.	Motor Vehicle	Leonard	Defense Verdict	DPWT - Ride On	N/A	N/A	Defense verdict following trial. However, MC, Md paid $16,000 toward uninsured motorist coverage. (Phantom vehicle caused accident.) Allstate was plaintiff's UM carrier.
Brice v. MC, Md.	Neglig/ Motor Vehicle	Milla	Dismissal	DPWT - Ride On	N/A	$0	Plaintiff failed to appear at scheduling conference, case dismissed with prejudice.
Brown v. MC, Md	Med Mal	Milla	Dismissal	MCG	N/A	$0	Motion to Dismiss granted.
Maisti v. Crescent City Jaycees	Neglig/ Premises	Milla	Dismissal	M-NCPPC	N/A	$0	Motion to Dismiss granted - M-NCPPC not proper party.
Mokuena v. MC, Md.	Moto Vehicle/ Subro	Milla	Plaintiff's Verdict	DPWT	$2,419.83	$0	Plaintiff's verdict - $2,419.83 plus costs ($10.00).
Noland v. Duke, et al.	Civil Rights	Milla	Dismissal	MCPD	$5,000	$0	Plaintiff failed to appear at trial, case dismissed without prejudice. Statute of limitations on claim runs 6/27/2001
Tenly v. Henry	Motor Vehicle	Milla	Settlement	DPWT- Ride On	$30,000	$28,000	Case settled for $28,000.
Logar v. MC, Md.	Motor Vehicle/ Premises	Mulloy	Settlement	MCG	$1,788.69	$1,500	Case settled for $1,500.
Cole v. MC, Md.	Motor Vehicle	Robertson	Settlement	DPWT - Ride On	$8,000	$3,000	Case settled for $5,000.

PERFORMANCE MEASURES FY01

This report reflects appeals in which the appellate court has issued a decision and compares the issues, key cases, and analysis in the court's decision with the comparable elements presented in the County's brief. Additional notes appear when a simple comparison is not possible or when further explanation is helpful. Background details regarding the number of drafts prepared of the brief, timeliness of filing, and moot courts also appear in this report.

Case Name (Attorney) (County status)	**Court & Outcome**	**Key Issues Argued**	**Key cases cited**	**Briefs (number of drafts; timeliness; deadlines met)**	**Additional Comments/ New Issues Not Addressed Before Trial Court**
Adams v. M-NCPPC (Karen Henry) (Appellee)	CSA Affirmed	Yes	Yes	2 drafts; draft deadlines met; brief filed 7 days early.	Court used newer cites for statutory construction principles.
Baer Construction Services, Inc. v. Montgomery County (John Fisher, Chuck Thompson) (Appellee)	CSA affirmed	Yes	Yes	3 drafts prepared and reviewed; 1st draft received 1 month after target date; revision provided within 2 weeks; subsequent drafts on time, with edits and revisions returned within 2 to 3 days; final brief filed on due date.	No surprise issues on appeal. CSA agreed with County on ultimate issues, but did not necessarily use entire analysis or logic. Issues presented to the Circuit Court, although polished and elaborated on appeal.
Bowen v. Davison (Brian Kim) (Appellee)	CSA Affirmed in a reported decision.	Yes	Yes	2 drafts reviewed, both more than 1 week after scheduled due date; final brief filed 2 days early.	Court used more federal cases for analogous reasoning with FOIA and also used more recent cases re purpose of MPIA

Broadcast Equities, Inc. v. HRC (Jud Garrett) (Appellee)	CA dismissed	No	N/A	Not available—brief prepared before detailed tracking began; estimate 3 or 4 drafts with several proofreads; brief filed on due date.	CA did not address the merits of the validity of Ch. 27 of the Montg. Co. Code; dismissed for failure of plaintiff to exhaust administrative remedies. This issue was argued by the County in Circuit Court administrative appeal, but abandoned on appeal.
FOP v. Moose (Karen Henry) (Appellee)	CSA vacated and remanded.	No	No	2 drafts circulated; 1st draft distributed about 1 month before due date; filed on due date.	Overlooked requirements of declaratory judgment—each issue must be addressed and answered in writing. The order submitted in the Circuit Court did not include all of the issues.
Harris v. Montgomery County (Patricia Via) (Appellee)	CSA affirmed	Yes	Yes	3 drafts; drafts timely; brief filed 4 days early.	
Kant v. OLTA (Luksic/Sidwell) (Karen Henry) (Appellee)	CSA affirmed	Yes within limits	Yes, within limits	One draft circulated; filed on due date.	County participated on the sole issue of the proper standard of review in an administrative appeal; the County did not discuss the merits, although the Court addressed all issues presented by the appellants.
Medrano v. Cantrell (Clifford Royalty) (Appellee)	CSA Affirmed	Yes	Yes	2 drafts; timely drafts; brief filed 2 days early.	
Montrose Christian School v. Carver & Walsh (Jud Garrett) (Appellee)	**CA Reversed**	**Yes**	**Yes**	**2 drafts for each case; timely prepared and filed.**	**No new or additional issues considered by the Court. Although County law was not preempted by State law, a narrow provision was invalid under the Federal and State constitutions and, therefore, severed.**

Read v. Montgomery County (Karen Henry) (Appellee)	CSA affirmed	Yes	Yes	2 drafts; deadlines met; brief filed on time.	Court used older cases for many points.
Terry v. Carafano (Karen Henry) (Appellee)	CSA affirmed.	Yes	Yes	1 draft circulated less than 2 weeks before due date; filed on due date.	CSA added the point that the Court will not create an argument for a party who raises an issue but includes no citation of authority to support it.
Torchinsky v. Lyles (Linda Thall) (Appellee)	CSA affirmed	Yes	Yes	One draft circulated; draft deadlines met; brief filed 15 days early.	

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Checklist for Performance Measures

This form compiles the information needed to complete the Performance Measures form. The information requested below may be compiled as each task occurs or when the appellate court issues its decision. Make sure the form is provided to the Appeals Unit for use in its Performance Measures analysis.

1. Case Caption _____
   Court and Case No. _____
   Attorney handling _____

2. County status (appellant, appellee, amicus) _____

3. Describe the issues discussed in the Appellant's brief.
   - Upon receipt of the appellate decision, indicate whether the court addressed the same issues (Y or N); also, explain whether the court reworded the issue or handled it differently than the brief.
   - Include an indication of whether the same issues were presented to the trial court; if any different issues or analysis were included in the brief, explain which ones and why.

   (add more spaces if needed)

		Trial Court	Appellate Court
a.	_____		
	_____		
	_____	____	____
	Explanation of discrepancy (if any): _____		
	_____		
	_____		
b.	_____		
	_____		
	_____	____	____
	Explanation of discrepancy (if any): _____		
	_____		
	_____		
c.	_____	____	____
	_____	____	____
	_____	____	____
	Explanation of discrepancy (if any): _____		
	_____		
	_____		

4. Identify the key case(s) used in the Appellant's brief for each issue, whether the cases were available and used in the trial court, and whether the appellate court used the same cases or relied upon different citations. *Caveat*: Do not list every case included in the brief, but only those with the greatest significance. When noting differences, indicate whether court used newer cases or cases that were more on point than those in the brief.

a. _____ _____ _____ _____ _____

Explanation of discrepancy (if any): _____ _____ _____

b. _____ _____ _____ _____ _____

Explanation of discrepancy (if any): _____ _____ _____

c. _____ _____ _____ _____ _____

Explanation of discrepancy (if any): _____ _____ _____

5. Describe the issues discussed in the Appellee's brief.

- Upon receipt of the appellate decision, indicate whether the court addressed the same issues (Y or N); also, explain whether the court reworded the issue or handled it differently than the brief.
- Include an indication of whether the same issues were presented to the trial court; if any different issues or analysis were included in the brief, explain which ones and why.

(add more spaces if needed)

	Trial Court	Appellate Court
a. _____ _____ _____	_____	_____
Explanation of discrepancy (if any): _____ _____ _____		
b. _____ _____ _____	_____	_____

Explanation of discrepancy (if any): _____

c. _____

Explanation of discrepancy (if any): _____

6. Identify the key case(s) used in the Appellee's brief for each issue, whether the cases were available and used in the trial court, and whether the appellate court used the same cases or relied upon different citations. *Caveat*: Do not list every case included in the brief, but only those with the greatest significance. When noting differences, indicate whether court used newer cases or cases that were more on point than those in the brief.

a. _____

Explanation of discrepancy (if any): _____

b. _____

Explanation of discrepancy (if any): _____

c. _____

Explanation of discrepancy (if any): _____

7. List the following dates for drafts of the brief:

1st draft	Date due for review	_____
	Date submitted for review	_____
	Date comments returned	_____
2nd draft	Date due for review	_____
	Date submitted for review	_____
	Date comments returned	_____

Final draft	Date due for final review (if any)	_____
	Date submitted to print shop	_____
	Date filed with court	_____

If any due date was missed, please indicate the circumstances of the delay or postponement.

_____

_____

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OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

COUNTY ATTORNEY CITIZEN/CLIENT SERVICE SURVEY

March 7, 2001

To try to ensure that we provide the citizens of Montgomery County with the most responsible and professional services, the County Attorney's Office seeks your help in evaluating our service. You have been chosen to help in this most important endeavor. Please answer the following questions and offer any suggestions you may have for improving our service.

Please identify and evaluate the attorney with whom you had contact on the following qualities of service:

Attorney's Name: _____

	Excellent	Good	Satisfactory	Fair	Poor	N/A*
Responsiveness:						
Did attorney respond timely to written requests?						
Did attorney negotiate with you an acceptable time frame for completing the project?						
Was attorney on time for meetings?						
Was project completed timely?						
Did attorney return phone calls promptly ?						
Professionalism:						
Did attorney present a professional appearance?						
Was attorney knowledgeable of the law?						
Did attorney clearly recognize and explain the issues?						
Did attorney clearly communicate advice?						
Did attorney present case effectively?						
Did attorney do a good job representing client?						
Were you happy with representation provided?						

Please answer the following questions "Yes" or "No":

*Not Applicable

	Yes	No
Did the attorney offer "solutions"?		
Did the attorney offer problems without offering solutions?		
Would you "hire" the attorney to represent you if given the opportunity on a similar matter?		
Did you find our reception area clean, attractive and comfortable?		
Were you made to wait for an unacceptably long period?		
Was our receptionist cheerful and helpful?		
Was our telephone system "user friendly"?		
Was our operator cheerful and helpful?		
Was the phone answered within 3 rings by the operator?		
by the secretary?		
by the attorney?		

If you dealt with a member of our staff who is not an attorney, please identify the staff member and evaluate your experience and our staff member's service:

Staff Member's Name _____

	Excellent	Good	Satisfactory	Fair	Poor	N/A
Was the staff member cheerful and helpful?						
Did the staff member respond to you timely?						

Please answer the next three questions "Yes" or "No":

	Yes	No
Did the staff member offer "solutions"?		
Did the staff member offer problems but no solutions?		
Would you "hire" this staff member to work for you if you had a similar position open?		

Please offer suggestions for improving our service or this form:

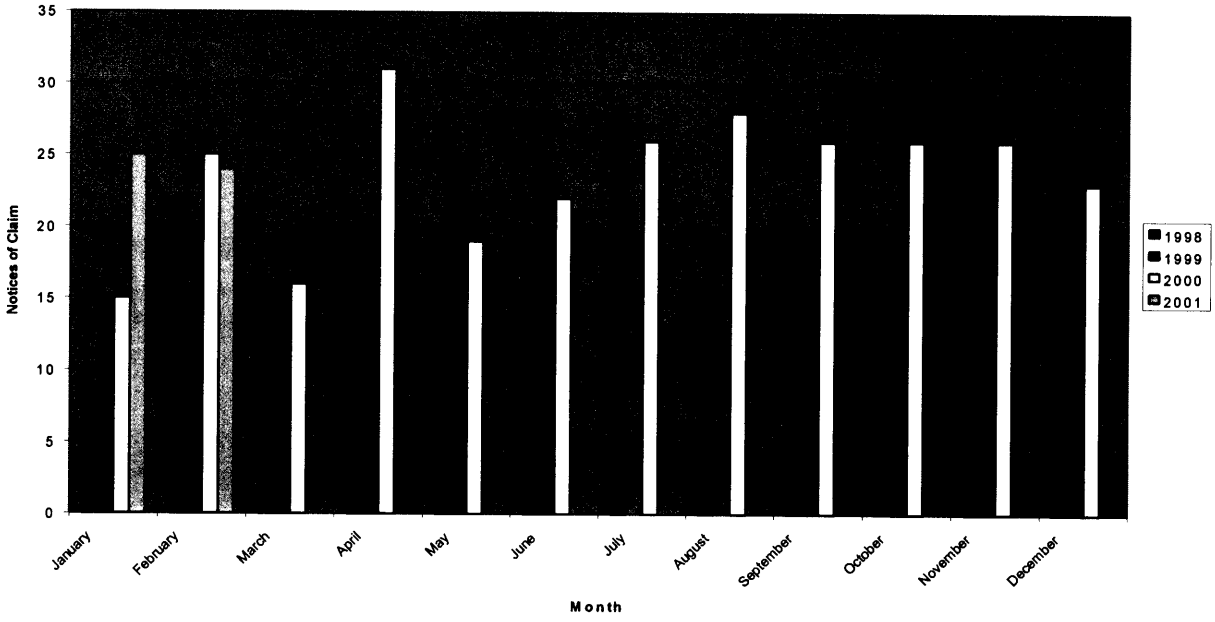
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To ensure anonymity we ask that you return this form to the County's Chief Administrative Officer at the following address: Mr. Bruce Romer, Chief Administrative Officer, 101 Monroe Street, Rockville, Maryland 20850

Mr. Romer's office will provide us with information derived from this survey in a manner that will protect your anonymity, but in sufficient detail to allow us to make improvements and respond to your comments. Thank you for helping to make us better servants of the citizens of Montgomery County.

Charles W. Thompson, Jr.
County Attorney

Notices of Claim



The Local Government Tort Claims Act requires that any person who has been injured by a local government and intends to sue send a Notice of Claim to that local government within 180 days from the date of injury.[1] Without this notice, persons generally are not permitted to sue a local government or government employee.

This chart represents a month-by-month comparison of the Notices of Claim received by Montgomery County from January, 1998 to February, 2001.[2]

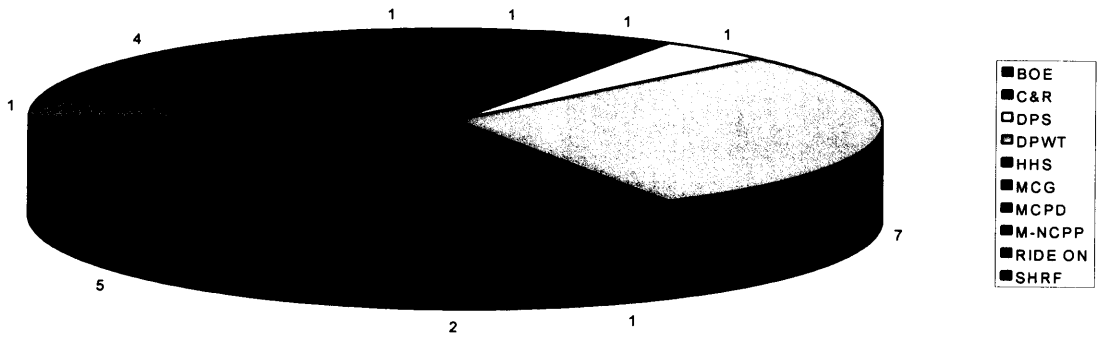
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[1] The Local Government Tort Claims Act may be found in Sections 5-301 through 5-304 of the Courts and Judicial Proceedings Article of the Maryland Code Annotated. A local government, for purposes of the Act, includes all Maryland counties, Baltimore City and various municipal corporations.

[2] It should be noted that the data from the months of July and August, 1999 are unavailable as this office phased in a new Work Management System.

April 3, 2001

Notices of Claim - February 2001



The above chart shows how the number of notices of claim are distributed among some our client agencies and some of our departments within Montgomery County in the month of February 2001.

See the following page for breakdown by agency.

April 3, 2001

Notices of Claim by Agency/Department

AGENCY/DEPTS	Total 1999	Total 2000	Jan-01	Feb-01	Total 2001
Board of Appeals	1	0	0	0	0
Board of Education	28	40	5	1	6
Corrections & Rehabilitation	6	14	1	1	2
Dept Fire & Rescue Services	3	12	0	0	0
Dept Housing & Community Affairs	0	2	0	0	0
Dept of Transportation - Ride On	22	38	4	4	8
Dept Permitting Services	2	1	0	1	1
Dept Public Works & Transportation	54	56	2	7	9
Fire & Rescue Commission	2	0	0	0	0
Health & Human Services	4	5	1	1	2
Housing Opportunities Commission	6	3	0	0	0
Human Relations Commission	1	0	0	0	0
Libraries	0	1	0	0	0
Misc	5	32	0	2	2
Montgomery College	3	0	0	0	0
Montgomery County Police Department	25	49	2	5	7
Maryland National Capital Park & Planning	8	17	2	1	3
Recreation	1	4	0	0	0
City of Rockville	1	3	0	0	0
Sheriff	2	4	3	1	4
State's Attorney	0	2	0	0	0
Washington Suburban Sanitary Commission	4	0	5	0	5
TOTAL	178	283	25	24	49

WCC SCHEDULED HEARINGS COMPARISON BY MONTH

1999	2000	2001
1/99 - 50	1/00 - 120	1/01 - 88
2/99 - 113	2/00 - 137	2/01 - 83
3/99 - 146	3/00 - 153	3/01 - 70
4/99 - 165	4/00 - 113	
5/99 - 128	5/00 - 143	
6/99 - 195	6/00 - 151	
7/99 - 153	7/00 - 79	
8/99 - 148	8/00 - 142	
9/99 - 80	9/00 - 116	
10/99 - 72	10/00 - 134	
11/99 - 81	11/00 - 75	
12/99 - 44	12/00 - 115	

LITIGATION

The following are the current litigation cases this office is handling for each major department of Montgomery County and each agency belonging to the Montgomery County Self-Insurance Fund. These cases include self-insurance litigation being handled by the Litigation Division as well as litigation being handled by the General Counsel and Special Projects Divisions.

1. MONTGOMERY COUNTY

Animal Control

Montgomery County v. Thomas, DCMC, Citation No. 5Z33552328. Contempt filed for failure to keep dogs from running at large. (FMJ) (CE)

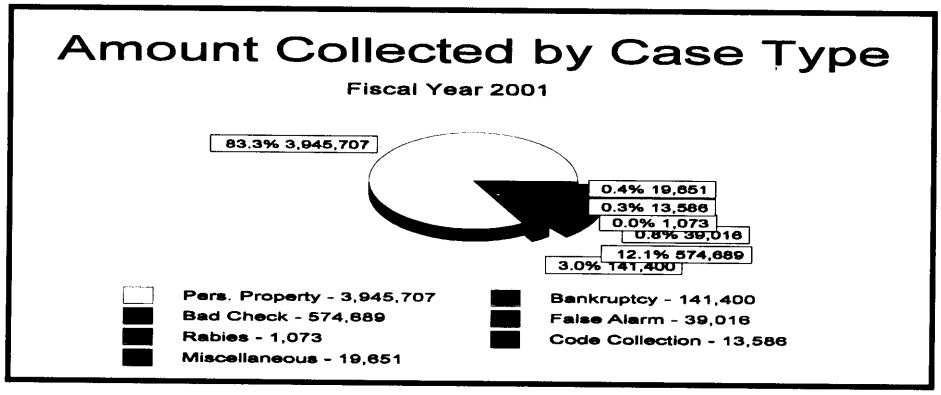
Wisda v. Montgomery County, CSA 1999, CCMC, Civil No. 195044, WMS 97.07662. Plaintiff sued for breach of contract arising out of his termination. He also sued Humane Society for tortious interference with his employment. Motion to dismiss granted in favor of Montgomery County and summary judgment granted in favor of Humane Society. Plaintiff

SPECIAL PROJECTS DIVISION

1. DEBT COLLECTION UNIT

Between February 16, 2001, and March 15, 2001, the Debt Collection Unit collected $1,577,174.86. So far, the Unit has collected $4,735,121.22 for fiscal year 2001 and has exceeded the last fiscal year's first eight months' totals.

FISCAL YEAR COMPARISON OF COLLECTIONS					
MONTH	**1998 GROSS**	**1999 GROSS**	**2000 GROSS**	**2001 GROSS**	**00/01 Over/Under**
July	$ 249,019.83	$ 222,306.53	$ 229,765.88	$ 233,550.72	$ 3,784.84
August	$ 118,433.62	$ 132,906.69	$ 214,551.34	$ 221,134.25	$ 6,582.91
September	$ 111,984.71	$ 216,677.53	$ 248,325.98	$ 348,039.15	$ 99,713.17
October	$ 123,278.78	$ 231,963.25	$ 270,157.11	$ 601,417.36	$ 331,260.25
November	$ 97,513.76	$ 187,862.74	$ 259,677.48	$1,361,778.61	$ 1,102,101.13
December	$ 252,285.98	$ 293,223.42	$ 298,044.92	$ 662,465.89	$ 364,420.97
January	$ 286,855.37	$ 326,351.86	$ 330,225.45	$ 787,124.41	$ 456,898.96
February	$ 282,981.37	$ 213,298.47	$ 216,643.59	$ 519,610.83	$ 302,967.24
March	$ 259,865.59	$ 207,330.52	$ 212,344.28		
April	$ 185,720.45	$ 186,915.05	$ 193,439.76		
May	$ 241,473.05	$ 273,712.93	$ 275,405.63		
June	$ 324,210.20	$ 393,689.88	$ 394,873.37		
Totals	$ 2,533,622.71	$ 2,886,238.87	$ 3,143,454.79	$4,735,121.22	$ 2,667,729.27



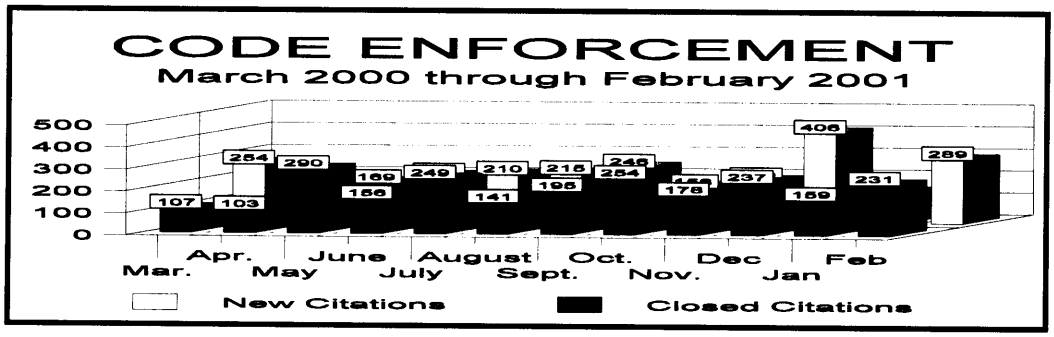
April 3, 2001

5. *COUNTY CODE ENFORCEMENT*

During the month of February, 2001, the Code Enforcement team litigated 171 cases in Montgomery County District Court, resulting in judgments totaling $21,020. 289 new citations were received during the month, as itemized below with the amount of fines sought by those citations. A total of $84,942 was collected in fines from outstanding cases through February. 231 outstanding cases were closed after fines were collected and/or violations abated during the month. Additionally, 72 cases were sent to collections.

CITATIONS

Department	No. of Citations Received During Month	Total Amount of Fines Sought by New Citations
Animal Services Division	9	$2,900.00
Dept. of Environmental Protection	7	$3,750.00
Housing & Community Affairs	129	$42,550.00
Metro Police	26	$3,300.00
Montgomery County Police	27	$7,500.00
Public Works & Transportation Division of Solid Waste	19	$11,000.00
Permitting Services	10	$5,000.00
Board of License Commissioners	44	$25,000.00
Fire Alarm Reduction Unit	1	$500.00
Fire & Rescue Services	0	$0.00
Taxi Services	16	$1,550.00
Dept. of Natural Resources	0	$0.00
Dept. of Health & Human Services	1	$500.00
TOTAL	**289**	**$1,035,500.00**



April 3, 2001

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